

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

MARK MONDRAGON, o/b/o
D.M., a minor child
Plaintiff,

-vs-

NO. 1:21-CV-00427 MV/KRS

RIO RANCHO PUBLIC SCHOOLS,
BOARD OF EDUCATION and
GEORGE ARCHULETA in his
Individual and official
capacity,
Defendants.

VIDEOTAPED DEPOSITION OF DANIEL MONDRAGON

May 9, 2022

10:00 a.m.

500 4th Street, Suite 105
Albuquerque, New Mexico 87102

PURSUANT TO THE NEW MEXICO RULES OF CIVIL
PROCEDURE, this deposition was:

TAKEN BY: JERRY A. WALZ
ATTORNEY FOR DEFENDANTS

REPORTED BY: PAUL BACA, CCR #112
PAUL BACA COURT REPORTERS
500 4th Street NW, Suite 105
Albuquerque, New Mexico 87102

EXHIBIT S

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Examination by Mr. Walz

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1 Your answer was, Mark Mondragon, none.
 2 Elsie Mondragon and you have Instagram.
 3 E_Rad_mondragon and DM. You have Facebook: Daniel
 4 Mondragon. Instagram: Wavy.Daniel. SnapChat:
 5 DUTUBE. Tiktok: Wavy.Danil. Is that all of your
 6 social media?

7 A. Yes.

8 Q. Do you believe that you have any
 9 outstanding bills other than maybe to the therapist
 10 for medical treatment or therapy relating to the
 11 claims that you make against George Archuleta and
 12 the Rio Rancho Public Schools?

13 A. So what are you asking?

14 Q. Do you have any bills or expenses that you
 15 claim have arisen from the claims that you advanced
 16 against George Archuleta or the Rio Rancho Schools?

17 A. No.

18 Q. Can you say whether or not you have had
 19 any loss of earnings or ability to work as a
 20 result --sorry?

21 MR. BULLION: I'm just objecting to form,
 22 foundation.

23 Q (By Mr. Walz) Sure. As a result of any of
 24 the actions that you claim against George Archuleta
 25 or the Rio Rancho Schools?

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1 morning, correct?

2 A. No.

3 Q. No, you did not talk to him, right?

4 A. No.

5 Q. Okay.

6 MR. WALZ: All right. Well, I would like
 7 maybe four minutes to refresh my thought process and
 8 my notes. I think I'm probably going to be
 9 concluded and I'll pass the witness. So let's make
 10 it an even five minutes and come back. Is that okay
 11 with counsel?

12 MR. BULLION: Yes, thank you, Jerry.

13 (A recess was taken.)

14 Q. (By Mr. Walz) Just a couple of questions.
 15 We referenced and attached the voluntary statement.
 16 It was part of the packet that was sent to you in
 17 discovery. I want to give you the Bates parameters.
 18 It's RRPS defendants DM000401 through DM000427.

19 MR. QUINONES: I have it on screen,
 20 Counsel.

21 MR. WALZ: And this contains records
 22 relating to his disciplinary file. We can argue
 23 later and reserve arguing relating to the
 24 admissibility of these documents. But in the
 25 interest of time I'm just going to attach the packet

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1 A. No.

2 Q. When you were reviewing the interrogatory
 3 answers last night did you see any other answers or
 4 responses that you believe were perhaps not
 5 transcribed correctly or different from the
 6 information that you provided to answer?

7 A. No.

8 Q. Since you have left Rio Rancho Public
 9 Schools have you ever encountered Mr. Archuleta, for
 10 example, at a restaurant or Walmart or anywhere like
 11 that?

12 A. No, sir.

13 Q. Would you even be able to recognize the
 14 Rio Rancho Public Schools principal at V. Sue
 15 Cleveland, Scott Affentranger, if somebody didn't
 16 point him out to you?

17 A. Are you saying would I be able to
 18 recognize him?

19 Q. Yes.

20 A. Yeah. Yes, I would.

21 Q. That's because you've seen him on campus,
 22 correct?

23 A. Yes.

24 Q. But you never have talked to him
 25 personally. I think we have established that this

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1 as exhibit -- I think we are on number 3.

2 And the only records that I didn't quite
 3 understand from here, is this text screen that
 4 starts at 000410.

5 (Exhibit marked, 3.)

6 Q. (By Mr. Walz) So first of all, I'm
 7 attaching this as Exhibit -- I believe number 3. So
 8 I'm trying to figure this out. Daniel, do you
 9 recognize this text? I think it's Instagram,
 10 actually. Do you recognize this Instagram --
 11 Instagrams?

12 A. Yeah. So I can actually tell you. I got
 13 to tell you this. This is actually freshman year.
 14 And my -- my friend group -- my friend group didn't
 15 like this other group that was -- that was talking
 16 all kinds of crap to us like all the time. So and
 17 then, yeah.

18 Q. Okay. Are you the one that is known as
 19 Snitch in this?

20 A. The people -- the people in that group
 21 chat labeled me as a snitch but that's all I know.

22 Q. Did you provide this to the school
 23 district, this Instagram?

24 A. I don't think so.

25 Q. Were you -- and we can read these. But it

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1 kind of looks like there almost discussion about
2 some kind of a fight coming up or --

3 A. Once again -- once again, my friend group
4 didn't like this other group so a couple of fights
5 happened, but I was never in one of those fights.

6 Q. Okay. I understand. Would you agree, and
7 take your time looking at this, if school district
8 security would have -- did look at this, and we'll
9 try all of this later in the case, would you agree
10 that this could cause some serious concern about
11 what's going on with you and your group of students
12 and possibly other students that may lead to actual
13 fights or the use of firearms?

14 MR. BULLION: Form, foundation. You can
15 answer, Daniel.

16 A. So I don't think anyone would use a
17 firearm at school just for a fight personally. So I
18 don't think something that bad would happen, but for
19 sure there was a fight happened, but it was not me.

20 Q (By Mr. Walz) Okay. But you agree though,
21 and you're looking at it right now, that you are
22 involved in these communications where violence was
23 being discussed, were you not?

24 A. They -- they were discussing it. As you
25 can see in the text, I was ignoring them.

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1 Q. Okay. Is there is a little icon of a
2 picture that says "Snitch." Is that you?

3 A. Icon?

4 MR. BULLION: I'm sorry. The screen is
5 being scrolled and I don't --

6 MR. WALZ: Let's start at the very
7 beginning. Can you go to the very beginning,
8 please.

9 MR. QUINONES: Yeah. Just let me know
10 which page you want it on.

11 MR. WALZ: It's 410.

12 Q (By Mr. Walz) At the very top it says
13 Snitch and it says -- I can't quite make out the
14 handwriting. It's group name. It says Wayne,
15 Andres, Irvin and Daniel. So are collectively
16 Wayne, Andres, Irvin and Daniel the -- I say icon,
17 but they may be called emoji, I don't know what it's
18 called. But where it says Snitch is, this the group
19 speaking as a whole; Wayne, Andres, Irvin and
20 Daniel?

21 A. No.

22 MR. BULLION: Form, foundation. And
23 Jerry, just I'm not sure, I just don't know what you
24 mean by speaking as a whole.

25 MR. WALZ: Heck if I know, Todd. If I

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1 did, I'd try to be more definite.

2 Q. (By Mr. Walz) I'm trying to, Daniel,
3 figure out who is actually typing up this
4 information in the group. I hope this answer Todd's
5 question. I believe Snitch is the name for the text
6 screen.

7 A. I have no clue what you mean there. But
8 what you mean by the word Snitch. That's just what
9 the group chat is called. Someone in the group chat
10 named it Snitch. And if you actually have a picture
11 it will actually show you who changed the name in
12 the group chat.

13 Q. Do you know who that person was?

14 A. I do not know.

15 Q. What is Wayne's last name?

16 A. I have no clue. I honestly thought
17 Wayne's name was Scott.

18 Q. What about Andres?

19 A. Andres Valencia.

20 Q. Irvin?

21 A. Marquez.

22 Q. And Daniel?

23 A. Me.

24 Q. Okay. As we go down it says -- I'll just
25 read it. It says, "You pic. No jumping." And then

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1 it says, "fr fr 1 on 1. - Wayne." And then, "Only 4
2 of us all in total. Irvin, Marquez" and I don't
3 know if that's short for Mondragon.

4 A. That's Marquez.

5 Q. Okay. Are you reading all of that stuff
6 when it's coming in back then?

7 MR. BULLION: Form, foundation. You can
8 answer if you know that, Daniel.

9 A. What do you mean if I'm reading it?

10 Q (By Mr. Walz) Yeah. Whenever this comes
11 in does it come in on some text screen that you are
12 receiving?

13 A. Obviously not because I hadn't been
14 texting them back.

15 Q. Okay. It says, "My boy will jump in if
16 you jump Andres." Do you recall reading that?

17 A. I think -- I think what Wayne meant was my
18 homie would jump in if you jump in for Daniel,
19 Andres. That's what he meant.

20 Q. In your mind were you considered to be one
21 of the homies with Wayne, Andres, and Irvin?

22 A. No. I was only homies with Andres at the
23 time.

24 Q. Okay. And then the next entry was, "No
25 straps either cuz y'all pussy like that." Isn't the

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1 word "straps" just another slogan or name for pistol
2 or handgun?

3 A. For a handgun, yes. But -- but all of
4 these -- all these kids are just want to be -- are
5 just want to be gangsters who try to be ghetto but
6 they're not. That's what they are.

7 Q. And so who is actually, if you know,
8 typing up the responses in the group that you are
9 affiliated with?

10 MR. BULLION: Form, foundation.

11 A. I don't have an answer to that. I have no
12 clue what you mean.

13 Q (By Mr. Walz) Well --

14 MR. BULLION: Jerry, I'm sorry. Do you
15 mean this particular text conversation we are
16 looking at?

17 MR. WALZ: Yes, sir.

18 MR. BULLION: Does that help?

19 THE WITNESS: What is he saying? Like is
20 he saying that I typed it?

21 MR. WALZ: No, I didn't say that at all.

22 Q. (By Mr. Walz) I'm asking who to your
23 knowledge was typing it. If you were typing it, I'd
24 like to know that too.

25 A. Well, see -- well, if you look at the

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1 Q. It's not what I want you to answer,
2 Daniel. Your answer is your answer. But I guess
3 the question is more to the point that if the school
4 district or security had this type of information
5 where there's a potential for either some type of
6 violence, including the use of firearms, and you are
7 mentioned as being a member of one of the groups,
8 can you see why that would cause concern for
9 security that may include pat down and searches at
10 the high school?

11 MR. BULLION: Form, foundation.

12 A. No, I actually really don't think so.

13 Q (By Mr. Walz) You don't?

14 A. No.

15 Q. Are you familiar with the student shooting
16 cases that we've read about and seen on TV in the
17 national news?

18 MR. BULLION: Form, foundation.

19 A. No, I actually don't watch the news a lot.
20 I really don't.

21 Q (By Mr. Walz) Okay. So that's your
22 testimony under oath?

23 A. Yes, sir.

24 Q. Okay. Now, these other students, the
25 other four individuals, I guess, do you know if they

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1 picture the messages have their user names right on
2 top as you can see.

3 Q. Okay.

4 A. You see where it see it's Marquez and then
5 Segura?

6 Q. Okay. Is Marquez, is he listed in the --
7 because I don't know the last names for sure. Was
8 Marquez listed -- well, let me ask you this. What
9 was Marquez's first name?

10 A. Irvin. Again.

11 Q. Okay. And that was in the circle at the
12 top where it listed Wayne, Andres, Irvin, and
13 Daniel?

14 A. Yeah.

15 Q. Did you talk about or engage in any
16 conversation with Wayne whom you thought was Scott,
17 Andres, or Irvin about either being in a fistfight
18 or perhaps a shootout with these other individuals?

19 A. I don't know. I don't know.

20 Q. Would you agree that that's very serious,
21 this conversation, when you're talking about straps
22 and jumping in?

23 A. But I'm not -- I'm not sure what you want
24 me to say. Like what do you want me to answer
25 specifically?

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1 were also students in the Rio Rancho Public Schools?

2 A. You mean the other three, Irvin, Wayne,
3 and Andres is what you're saying?

4 Q. Yeah. Let's start with them first. Were
5 they fellow students in Rio Rancho Public Schools?

6 A. No. No. All three of them are out of the
7 district now.

8 Q. Out of this district now but at one time
9 were they in the Rio Rancho Public Schools?

10 A. Yes.

11 Q. Okay. Were they in the Rio Rancho Public
12 Schools at the same time you were in the Rio Rancho
13 Public Schools?

14 A. Freshman year, yes. Only freshman year.

15 Q. Now, the individuals that are on the other
16 end, for lack of a better word, and sorry I don't
17 know the technical terms, that are responding to
18 these texts that you say Irvin? Was he the one that
19 was --

20 A. Yeah. Irvin.

21 Q. Irvin Marquez, right?

22 A. Marquez.

23 Q. Irvin Marquez. Were the recipients, to
24 your knowledge, on the other side of these texts,
25 were they also Rio Rancho Public School students at

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1 that time?

2 A. Yes.

3 Q. Okay.

4 MR. WALZ: Could you go ahead and scroll

5 on further, Mr. Quinones?

6 MR. QUINONES: Sure.

7 Q. (By Mr. Walz) Now we see your name

8 actually mentioned until three skulls. Do you see

9 that?

10 A. Yeah.

11 Q. It says, "But Daniel" and then there's

12 somebody I guess identifying who these people are,

13 it says Mondragon.

14 What was your interpretation of what that

15 meant where it said "but Daniel"?

16 MR. BULLION: Form, foundation.

17 A. I don't know. I don't know.

18 Q. (By Mr. Walz) You have no idea?

19 A. No.

20 Q. Do you know if there was a discussion

21 about jumping in a fight, perhaps straps being used?

22 A. Yeah. But when you're just talking about

23 a simple text message, I didn't know what he was

24 going to say at the time.

25 Q. And then it says, "You ain't his crew."

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1 wanted to fight me at the time.

2 Q. Did you ever fight Wayne?

3 A. No.

4 Q. Did you ever meet him in person to settle

5 differences?

6 A. No.

7 Q. All right. And then the next line down it

8 says, "I mean" and then "Uhh." And that was from

9 Marquez, right? Marquez?

10 A. Yes, sir.

11 Q. And then there is an arrow that says

12 Andres Valencia. Now, he is somebody you are

13 associated with, right?

14 A. Once again, it's me, Andres against Wayne

15 and Scott.

16 Q. Okay. I'll try to get that in my head,

17 okay? It's just taking a little while to digest.

18 A. Yes, sir.

19 Q. And then it says "Woah," and a couple

20 laughing emojis but says, "but FE that's about it."

21 Do you know what that means?

22 A. It means but for real, that's about it.

23 Q. And "FR" the next line down means for

24 real, right?

25 A. Yes, sir.

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1 Do you know who said that?

2 A. Wayne. It says it right there.

3 Q. Well, that's the next line down. It says,

4 "And I'm still coming for you."

5 A. That's still Wayne.

6 Q. Wayne from what we talked about would be

7 in the group that you were in; is that right?

8 A. No.

9 MR. BULLION: Form, foundation.

10 A. No. I was -- I was a part -- I was in a

11 group with Andres Valencia. Me and Andres were

12 against Irvin and Wayne at the time.

13 Q. (By Mr. Walz) Okay. That helps me. Thank

14 you.

15 A. Yes, sir.

16 Q. What caused you to be against them and

17 them against you?

18 A. I don't know. It just over stupid drama.

19 Q. Did it have to do with drug dealing?

20 A. No.

21 Q. Well, what kind of stupid drama then?

22 A. Over a girl.

23 Q. All right. And when Wayne says, "I'm

24 still coming for you," who is he addressing that to?

25 A. He is addressing that to me because he

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1 Q. So whoever is participating is trying to

2 enforce that this is for real, nothing that

3 everybody is just joking about?

4 A. Yeah.

5 Q. Okay. This went on during the school

6 year?

7 A. Yes.

8 Q. Okay.

9 MR. WALZ: Go on down further, please

10 Mr. Quinones. Okay. Thanks.

11 Q. (By Mr. Walz) And then it says "FAX."

12 What does that stand for?

13 A. It says it literally says facts.

14 Q. Does that mean anything? I don't know.

15 A. It means like facts. Like that's facts.

16 Q. Oh, I get it. Sorry. I'm not familiar

17 with some of the lingo, I apologize.

18 A. You're okay. You're okay.

19 Q. I appreciate that. The next one down

20 says, "But your loud mouth ass jumped in." I think

21 I know what that means. But who -- can we tell who

22 said that to who?

23 A. That's -- so at that time Scott was

24 just -- just had a big problem against me, so he was

25 just trying to fight me all that time. Literally

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